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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,360	11/19/2003	Richard R. Bijjani	L0632.70001US03	6710

7590- 04/15/2004

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EXAMINER

HO, ALLEN C

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,360

Applicant(s)

BIJJANI ET AL.

Examiner

Allen C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08032004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 11, line 31, "71a,b" should be replaced by --70a,b--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Although an explosive detection system and a method for making a threat determination using x-rays were disclosed in the specification, claims 1, 5, 6, and 10 claim an explosive detection system and a method for making a threat determination that use means other than x-rays, which was not described in the specification.

4. Claims 1, 5, 6, and 10 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for detecting explosives using x-rays, does not reasonably

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provide enablement for detecting explosives using other means. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

While the specification is enabling for an explosive detection system and a method for making a threat determination using x-rays, the specification does not enable any person skilled in the art to make and use an explosive detection system and a method for making a threat determination using other means as claimed by these claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Peschmann (U. S. Patent No. 5,367,552).

With respect to claims 1, Peschmann disclosed an explosive detection system comprising: a device (10) that scans an object and generates information about the object from the scan; and an external computer (26, 28) located remotely from the device, that receives the information and implements an algorithm to make a threat determination about the object.

With respect to claim 2, Peschmann disclosed the system of claim 1, wherein the device includes a CT scanner (24).

With respect to claim 3, Peschmann disclosed the system of claim 1, wherein the device includes a dual-energy x-ray scanner (column 10, lines 48-68).

With respect to claim 4, Peschmann disclosed the system of claim 1, wherein the device includes a combination dual-energy x-ray and CT scanner (column 10, lines 48-68).

With respect to claim 5, Peschmann disclosed the system of any of claims 1-4, wherein the information includes that from which a density (column 8, lines 1-2) and a mass (column 7, lines 36-37) of the object can be determined by the computer.

With respect to claim 6, Peschmann disclosed a method for making a threat determination about an object comprising: scanning the object with an explosive detection device (10); generating information (data) about the object from the scan; transmitting the information to an external computer (26, 28), located remotely from the device; and implement an algorithm (Figs. 2 and 7) to make a threat determination about the object.

With respect to claim 7, Peschmann disclosed the method of claim 6, wherein the step of scanning includes the step of performing a computed tomography scan with a CT scanner (24).

With respect to claim 8, Peschmann disclosed the method of claim 6, wherein the step of scanning includes the step of performing a high-energy and a low-energy scan using dual-energy x-ray scanner (column 10, lines 48-68).

With respect to claim 9, Peschmann disclosed the method of claim 6, wherein the step of scanning includes performing a high-energy and a low-energy x-ray scan and a computed tomography scan using a combination dual-energy x-ray and CT scanner (column 10, lines 48-68).

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With respect to claim 10, Peschmann disclosed the method of any of the previous claims 6-9, wherein the information includes that from which a density (column 8, lines 1-2) and a mass (column 7, lines 36-37) of the object can be determined by the computer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho
Patent Examiner
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